



*#23/Reply
Brief
S.E.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BRAMHILL et al.

Atty. Ref.: 36-1230

Serial No. 09/091,735

TC/A.U.: 3625

Filed: June 24, 1998

Examiner: Nguyen, C.

For: COPY PROTECTION OF DATA

RECEIVE
SEP 1 2004
GROUP 3600
9/3/04

* * * * *

August 30, 2004 (Monday)
(August 28 = Saturday)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF

Appellant hereby submits this Reply Brief under the provisions of 37 CFR

1.193(b) in response to the Examiner's Answer of June 28, 2004.

WHETHER THE CLAIMS STAND OR FALL TOGETHER

Appellant hereby sets forth the following corrected groups of claims which replace the groups of claims presented in the Appeal Brief.

Group I: Claims 1-6, 12, 15-18, 21, 29, 31, 35, 37 and 38 stand or fall together and do not stand or fall with any other claims.

Group II: Claims 30, 33, 34 and 36 stand or fall together and do not stand or fall with any other claims.

Group III: Claims 7, 8, 14, 28 and 32 stand or fall together and do not stand or fall with any other claims.

With respect to the groups of claims presented in the Appeal Brief, the group for claim 34 has changed (i.e., claim 34 has switched from Group I to Group II) and claims 7, 8, 14, 28 and 32 (each of which was formerly in Group I) now forms a separate group. The specific reasons for Group III standing or falling together and not with any other claims is provided below.

The Group II claims require suppressing client computer copy or save functions with respect to an unprotected copy of the requested data (claims 30 and 34) or restricting or preventing access to copy or save functions of data in its unprotected form (claims 33 and 36).¹ The arguments presented in page 6, line 17 to page 10, line 5 of the Appeal Brief thus apply to the Group II claims. Similar to the Group II claims, the Group I claims require selectively controlling access to copy or save functions at the client in respect of data in its unprotected form (or similar limitation). The Group I claims further require the same program

¹ Claim 34 is an exemplary claim of Group II.

portion generating and uploading a request for access to data and performing conversion of the cryptographically protected data to an unprotected form. The arguments presented in page 10, line 6 to page 11, line 15 of the Appeal Brief apply to the Group I claims in addition to the arguments presented in page 6, line 17 to page 10, line 5 of the Appeal Brief.² The Group III claims require the limitations of the Group I claims and further require the (same) program portion being generated by a server and then downloaded to a client (claims 7, 8 and 14) or a source of the access request (claims 28 and 32).³

ARGUMENTS WITH RESPECT TO THE ISSUES PRESENTED FOR REVIEW

In the Appeal Brief, Appellant provided arguments regarding why Spies et al (U.S. '314, hereinafter "Spies") fails to teach or suggest selectively controlling, restricting, preventing or suppressing access to copy or save functions once the data has been decrypted and is in a form that can be sent to a display device for display. In particular, page 8, line 1 to page 10, line 5 of the Appeal Brief describes how col. 1, lines 45-49 of Spies fails to teach or suggest this claimed feature.

Section 12(B) of the Examiner's Answer apparently alleges that col. 16, lines 55-60 of Spies teaches or suggests the above claimed feature. Col. 16, lines 55-60 of Spies states the following:

"The system and method for the secure purchase and delivery of video content programs described herein has several advantages. First, it protects against unauthorized interception of a video data stream in route between a video content provider and a viewer and against unauthorized copying of output data once at the viewer's premises."

² Claim 1 is an exemplary claim of Group I.

³ Claim 7 is an exemplary claim of Group III.

Col. 16, lines 55-60 fails to teach or suggest any measures to selectively control, restrict, prevent or suppress access to copy or save functions in respect of unprotected data. Unauthorized access to already decrypted files is not considered at all by Spies to be a problem. The phrase “protects...against unauthorized copying of output data once at the viewer’s premises” merely suggests that protecting against unauthorized copying of output data once at the viewer’s premises is accomplished by the Spies system by controlling access to decryption facilities. Spies does not disclose placing any restrictions on the copying of data in respect of authorized persons. Any person having a valid decryption key may copy decrypted output data in Spies. Once the data has been decrypted, Spies does not provide any restriction on copying of this decrypted data. As an example, the bottom right hand portions of Figs. 7 and 8 show “decrypted video” from video output 164. No limitations are placed on the copying of this decrypted video.

With respect to section 12(E) of the Examiner’s Answer, Appellant notes that the arguments presented on page 9, paragraph 3 to page 10, paragraph 1 of the Appeal Brief apply to all Group I claims (claims 1-6, 12, 15-18, 21, 29, 31, 35, 37 and 38). Even further, Spies fails to teach or suggest the “same” program portion which generates and uploads a request for access to data and performs conversion of the cryptographically protected data to an unprotected form being generated and downloaded by a server to a client or source of access request as even further required by the Group III claims.

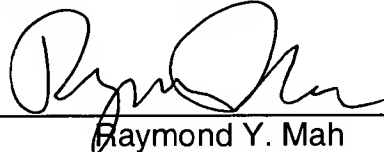
All other arguments presented in the Appeal Brief are incorporated herein by reference.

CONCLUSION

For all of the reasons set forth above and the for the reasons discussed in detail the previously filed Appeal Brief, it is respectfully requested that this Appeal be granted and that the rejections on Appeal be reversed.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. 36-1230

C# M#

BRAMHILL et al

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Sir:

☐ **Correspondence Address Indication Form Attached.**

☐ **NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Appeals from the decision dated _____ of the Examiner twice/finally rejecting claims _____ (\$330.00)

\$ 0.00

☐ An appeal **BRIEF** is attached in triplicate in the pending appeal of the above-identified application (\$ 0.00)

\$ 0.00

☐ Credit for fees paid in prior appeal without decision on merits

-\$ (0.00)

☒ A reply brief is attached in triplicate under Rule 193(b)

(no fee)

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months; \$1480.00/4 months)

\$ 0.00

SUBTOTAL \$ 0.00

☐ Applicant claims "Small entity" status, enter 1/2 of subtotal and subtract

-\$ ()

☐ "Small entity" statement attached.

SUBTOTAL \$ 0.00

Less month extension previously paid on

-\$ (0.00)

TOTAL FEE ENCLOSED \$ 0.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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By Atty: Raymond Y. Mah, Reg. No. 41,426

Signature: _____